

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	DATE: November 1, 2005
)	
Uwe Brandes)	DOCKET NO.: 05F-054
Revitalization Planning Program Manager)	
(Former))	
Office of Planning)	
5415 Connecticut Avenue, NW)	
Washington, DC 20015)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Uwe Brandes, Revitalization Planning Program Manager (Former), Office of Planning, failed to timely file, a Financial Disclosure Statement for calendar year 2004, on or before May 16, 2005, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 13, 2005.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated September 6, 2005 and September 19, 2005, OCF ordered Uwe Brandes (hereinafter respondent), to appear at scheduled hearings on September 16, 2005 and September 30, 2005, and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2004, on or before June 13, 2005.

On October 4, 2005, the respondent filed a written statement with OCF stating his confusion concerning the need to file based on his separation from the District Government. By this writing, the respondent requested a telephone contact to clarify the

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applicability of the filing requirement to him. On October 4, 2005, the Hearing Officer contacted the respondent and requested a return call. On October 11, 2005, the respondent contacted the Hearing Officer, who clarified the filing requirement, and advised the respondent to file an affidavit which fully explains the filing delinquency. On October 18, 2005, OCF received an affidavit stating that the respondent was employed by the District Government from July 5, 2000 to August 31, 2005. Respondent stated that he received OCF's notice to file in the spring of 2005, and a Notice of Hearing in September 2005, to which he had insufficient time to respond due to foreign travel. Respondent further stated that he promptly contacted OCF for instructions, and filed the required report. Respondent filed the required Financial Disclosure Statement with OCF on October 4, 2005.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was a member of the Management Supervisory Service.
2. Respondent timely filed a Financial Disclosure Statement for calendar year 2000 on May 11, 2001.
3. Respondent separated from government service in August 2005.
4. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2004, on or before June 13, 2005.
5. Respondent filed the required Financial Disclosure Statement on October 4, 2005.
6. Respondent provided a credible explanation for the filing delinquency because he believed he was not required to file due to his separation from the District Government.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.

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2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, in that he was confused concerning the filing requirement due to his separation from government service, constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

**Jean Scott Diggs
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Uwe Brandes, by regular mail, on November 1, 2005.

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.